

# UNITED STATES DISTRICT COURT

for the  
EASTERN DISTRICT OF WISCONSIN

*In the Matter of the Search of*

Case Number: 13mj0625

A USPS Express Mail parcel with tracking number EU911019311US addressed to "1020 Tyler Ave., Oshkosh Green Bay W.I. 54902, 780-745-5671" and containing the return address of "2707 Alvin Ave, San Jose CA. 95121, David Gonzalez, 408-674-7498."

USDC EDWI FILED IN GREEN BAY DIV  MAY 10 2013  AT _____ O'CLOCK _____ M JON W. SANFILIPPO
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## APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Matt Schmitz, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

**A USPS Express Mail parcel with tracking number EU911019311US addressed to "1020 Tyler Ave., Oshkosh Green Bay W.I. 54902, 780-745-5671" and containing the return address of "2707 Alvin Ave, San Jose CA. 95121, David Gonzalez, 408-674-7498."**

currently located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date 5/10, 2013

City and state: Green Bay, Wisconsin

Applicant's signature  
Name and Title: Matt Schmitz, U.S. Postal Inspector

Judge's signature  
THE HONORABLE JAMES R SICKEL  
United States Magistrate Judge  
Name & Title of Judicial Officer

## AFFIDAVIT

Matt Schmitz, United States Postal Inspector, being duly sworn, states the following information was developed from his personal knowledge and from information furnished to him by other law enforcement agents and professional contacts:

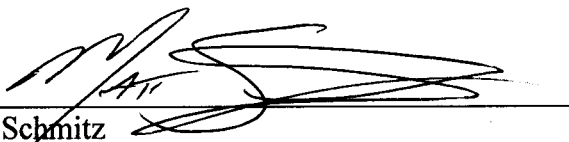
1. I have been employed by the United States Postal Inspection Service for approximately nine years and was previously employed as a Police Officer with the City of Middleton (WI) and City of Janesville (WI) Police Departments for a total of six years. As part of my duties as a Postal Inspector, I investigate the use of the U. S. Mails to illegally send and receive controlled substances and drug trafficking instrumentalities. I have participated in investigations which have resulted in the arrest of individuals who have received and distributed controlled substances using the U.S. Mail, as well as the seizure of the illegal drugs and proceeds from the sale of those illegal drugs. My training and experience includes identifying packages with characteristics indicative of criminal activity, namely, the distribution of controlled substances.
2. The Postal Inspection Service has implemented a U.S. Mail Narcotic Interdiction Program nationwide. This program consists of a physical inspection of mail parcels which have been mailed from locations throughout the country. Packages bearing identifiable characteristics of drug parcels are subjected to a certified narcotics dog trained to detect controlled substances.
3. This affidavit is submitted in support of an application for a search warrant for a 12 inch by 12 inch by 5.5 inch U.S.P.S. Express Mail parcel with tracking number EU911019311US mailed from Campbell, CA zip code 95008 on May 6, 2013. The parcel is addressed to "1020 Tyler Ave., Oshkosh Green Bay W.I. 54902, 780-745-5671" and bears the return address "2707 Alvin Ave, San Jose CA 95121, David Gonzalez, 408-674-7498." This parcel weighs approximately 1 pound, 13 ounces and has \$98.10 in postage.

4. On May 7, 2013, I received information from the Oshkosh, WI Post Office that they had received for delivery an Express Mail parcel addressed to "1020 Tyler Ave, Oshkosh Green Bay, WI 54902" that weighed over a pound and was mailed from California. The Oshkosh Post Office said they became suspicious of the parcel considering the delivery address did not identify the person the package was intended for and was addressed to "Oshkosh Green Bay, WI 54902." I know from my training and investigative experience as a Postal Inspector that USPS employees, especially those involved in the delivery aspect of postal operations, are knowledgeable about the characteristics of hazardous parcels and parcels that may contain controlled substances. Further, I have had personal contact with Oshkosh, WI Post Office employees on previous controlled substance investigations in which, upon my direction, they assisted in retrieving parcels suspected of containing controlled substances. I directed the Oshkosh Post Office to send the parcel to the Postal Inspection Service Office in Oneida, WI for further investigation.
  
5. On May 8, 2013, I received Express Mail parcel EU911019311US at the Postal Inspection Service office in Oneida, WI. I saw that the parcel was addressed to "1020 Tyler Ave., Oshkosh Green Bay W.I. 54902, 780-745-5671" and contained the return address "2707 Alvin Ave, San Jose CA 95121, David Gonzalez, 408-674-7498." I also saw that all of the seams on the parcel were taped, a characteristic that is common to parcels containing controlled substances considering the sender may be attempting to mask identifiable controlled substance odors coming from inside the parcel. On May 9, 2013, I queried the Accurint law enforcement database for information on the return address listed on the parcel and received information that no one with the name David Gonzalez was known to be associated with 2707 Alvin Ave, San Jose, CA 95121. I also queried the phone number of 408-674-7498 that was associated with the return address listed on the parcel and

received information from the Accurint law enforcement database that this number was known to be associated with "M. Francisco" and "Salvador Avelar" of San Jose, CA. The Accurint law enforcement database did not have any information on who may be associated with the number associated with the parcel's addressee information, "780-745-5671." I know from conducting previous controlled substance investigations that individuals using the U.S. Mail to send controlled substances often use fictitious name and address information in an attempt to avoid detection by law enforcement. I also know from my training and experience that individuals mailing controlled substances often misspell or incorrectly display the addressee information on the parcel considering they are usually not familiar with the area where the controlled substances are being mailed.

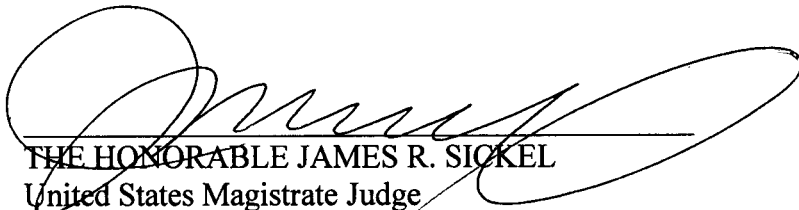
6. On May 8, 2013, I contacted Brown County Deputy Zak Holschbach who agreed to assist with presenting the subject Express Mail parcel to a dog sniff. Deputy Holschbach is a trained and experienced handler of a certified drug detection dog named "Sammy". Deputy Holschbach explained that Sammy is trained in detecting the presence of marijuana, cocaine, crack cocaine, heroin, ecstasy, and methamphetamine, and was last certified in detecting narcotics in May 2012. Consistent with Deputy Holschbach's training, experience, and direction, I placed the subject Express Mail parcel in a hallway in the basement of the Brown County Sheriff's office among several other similar looking and empty boxes that were known not to have contained the odor of controlled substances. Sammy examined the hallway and Deputy Holschbach told me Sammy alerted to the presence of controlled substances in the subject Express Mail parcel. Sammy did not alert on any of the other boxes in the hallway. I took custody of the subject Express Mail parcel and currently have it in my custody at the U.S. Postal Inspection Service office in Oneida, WI, in the Eastern District of Wisconsin.

7. Postal Regulation Sec. 274.31 of the United States Postal Service Administrative Support Manual states that no one may detain mail sealed against inspection, except under the following condition: A Postal Inspector acting diligently and without avoidable delay, upon reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable-cause requirement for a search warrant issued by a Federal Court.
  
8. For these reasons, there is probable cause that Express Mail parcel EU911019311US contains controlled substances or controlled substance paraphernalia. I am seeking the issuance of a warrant to search this parcel, and the contents contained therein, for contraband and evidence of a crime, namely, possession and possession with the intent to distribute controlled substances, and use of the mails to commit a controlled substance felony, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 844.



Matt Schmitz  
U.S. Postal Inspector

Subscribed and sworn to before me this 10 day of May, 2013.



THE HONORABLE JAMES R. SICKEL  
United States Magistrate Judge  
Eastern District of Wisconsin